

August 9, 2001-Continued

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 9, 2001

DIVISION ONE

B147727 Consumer Cause, Inc. (Certified for Partial Publication)
 v.
 Smilecare et al.

The judgment is reversed and the order striking plaintiff's prayer for
restitution is affirmed. Plaintiff is entitled to costs on appeal.

Mallano, J.

I concur: Spencer, P.J.
I dissent: Vogel (Miriam A.), J. (Opinion)

B148011 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Joseph V., et al.

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION ONE (Continued)

B141030 People (Not for Publication)
v.
Riley

The judgment is affirmed, save for imposition of the firearm use enhancement on count 15. The matter is remanded for reconsideration of that enhancement. The clerk of the court is directed to prepare a new abstract of judgment correctly reflecting the enhancements imposed and the offenses of which defendant was convicted.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B144700 Choi (Not for Publication)
v.
Jang et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B144365 Nederlander-Greek, Inc. (Not for Publication)
v.
House of Blues Concerts, Inc. et al.

The judgment is affirmed. House of Blues is awarded its costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B131068 Neuwirth (Not for Publication)
v.
Deloitte & Touche LLP

The orders appealed from (the February 24, 1999, order imposing terminating sanctions and dismissing the action as to Deloitte and the May 5, 1999, order denying Neuwirth's motion to set aside terminating sanctions) are affirmed. The parties are to bear their own costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION TWO

B135805 Asatryan (Not for Publication)
v.
KMART Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B143221 People (Not for Publication)
v.
Varnam

The Court:

The judgment is affirmed. The clerk of the court is instructed to ensure that the abstract of judgment and the June 1, 2000, minute order are corrected to reflect a three-year enhancement to count 5 pursuant to Penal Code section 667.8, subdivision (a) and that the Department of Corrections is notified of the correction.

Nott, Acting P.J., Cooper, J., Todd, J.

DIVISION THREE

B127096 People
 v.
 McGee

Filed order modifying June 23, 2000 order nunc pro tunc on court's own motion.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B150161 Bobby H. v. S.C.L.A. & D.C.F.S.
B150192 Erika T. v. D.C.F.S.
B145062 Wagner v. S.C.L.A. & People
B142218 People v. Thomas
B147734 D.C.F.S. v. Deborah B. & Tony G.
B144507 People v. Blankenship
B146168 People v. Cardenas
B146926 D.C.F.S. v. Rosa M.

Argument waived, cause submitted.

B146643 Praisman
 v.
 Levotman

Merits:
Argued by Lloyd K. Chapman for appellants and by Alon Beker for respondents. Cause submitted.

DIVISION FOUR (Continued)

B149998 Humphrey
 v.
 Superior Court, Los Angeles County
 (People, r.p.i.)

Merits:
Argued by John Hamilton Scott for petitioner and by Katherine H.
Mackenzie for real party in interest. Cause submitted.

B142972 S.P.D., Inc.
 v.
 Arjmand

Merits:
Argued by Kellie M. Murphy for appellant and by Lance D. Orloff for
respondent. Cause submitted.

B144731 Edel Industries Co.
 v.
 JAS Forwarding Inc.

Merits:
Argued by Stephen L. Bucklin for appellant and no appearance for
respondent. Cause submitted.

B144484 Shah
 v.
 Performance Engineered Products

Merits:
Argued by William M. Crosby for appellants and by Edward D. Vogel for
respondents. Cause submitted.

DIVISION FOUR (Continued)

B143541 Valley View Development
 v.
 Henrichs

Merits:

Argued by Glenn Nichols for appellants and by Abraham Colman for respondent. Cause submitted.

B128480 Community Assisting Recovery
 v.
 Aegis Security Insurance Company

Merits:

Argued by Sharon J. Arkin for appellant and by Ronald K. Meyer and Pamela E. Dunn for respondents. Cause submitted.

Court in recess until 1:30 P.M.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

B145433 MacGillivray
 v.
 Los Angeles Superior Court

Merits:

Argued by Lisa A. Digrazia for appellants. No appearance by respondent. Cause submitted.

B140004 Berns
 v.
 City of Long Beach

Merits:

Argued by Darold M. Shirwo for appellants and by William A. Reidder for respondents. Cause submitted.

DIVISION FOUR (Continued)

B145291 Ladjevardi
 v.
 Playa Palmeras, Inc.

Merits:
Argued by Martin Fox for appellant and by Adam J. Telanoff for
respondents. Cause submitted.

B143599 Lynch
 v.
 Mgrdichian

Merits:
Argued by Sterling Norris for appellant and by Howard O. Boltz for
respondents. Cause submitted.

B139872 Mahaffey
 v.
 Regal Rents, Inc.

Merits:
Argued by Steven P. Scandura for appellant and by Vincent F. DeMarzo for
respondent. Cause submitted.

B143620 Joseph
 v.
 Allstate Insurance Company

Appearances:
Steven L. Zelig for appellant and by David A. Hadlen for respondent.
Parties inform the court that this matter has been settled. The court directs
the parties to file a request for dismissal within 10 days.

B116419 WPS Inc.
 v.
 State Compensation Insurance Fund

Merits:
Argued by Robert Gerstein for appellants and by Andrew S. Williams for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B143368 Sturm
 v.
 County of Los Angeles

Merits:
Argued by Robert E. Racine for appellant and by Brian Ray Hodge for respondent. Cause submitted.

B142402 Estate of Schultz
v.
Union Bank of California

Merits:
Argued by Alan Tippie for appellant and by Kevin M. Fong for respondent.
Cause submitted.

Court adjourned.

DIVISION FIVE

B146287 People (Not for Publication)
v.
Eduardo U.

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B139044 Rental Equipment, Inc. (Certified for Partial Publication)
 v.
 McDaniel Builders, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B134277 People (Not for Publication)
 v.
 Roderick Forrest

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B145386 People (Not for Publication)
 v.
 Nathaniel Nealey

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

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DIVISION FIVE (Continued)

B144270 People (Not for Publication)
v.
Clyde Campbell

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Deputy Clerk.

Each of the following:

B142009 Jones v. Luzero
B147442 Elandt v. Goodwin

Argument continued to September, 2001.

B145717 Greenstein
v.
Lewellen

Argument continued to October, 2001.

B135909 Ballardo
v.
Conservatorship & Estate of Hazel Shea

Merits:
Argued by Benjamin L. Hecht for appellant and by Valerie K. Byer for respondents. Cause submitted.

DIVISION SIX (Continued)

B142691 Whitney
v.
GMAC Mortgage Corporation

Merits:
Argued by Eric Kitchen for appellants and by Paul B. Salvaty for respondents. Cause submitted.

B144095 Hidden Creek Ranch
v.
City of Moorpark

Merits:
Argued by Bruce Peotter for appellant and by Richard L. Francis for respondent Committee to Qualify Hidden Creek Referendum. Argument previously waived by respondent City of Moorpark. Cause submitted.

B145095 Dawson
v.
Dawson

Merits:
Argued by Gary Dunlap for appellant and by Denise Motter for respondent. Cause submitted.

B146345 Rista
v.
Rista

Merits:
Argued by Anthony J. Rista, appellant in propria persona, and by Carol Sternberg for respondent. Cause submitted.

DIVISION SIX (Continued)

B148075 Phinney
 v.
 Los Robles Regional Medical Center, Inc.

Merits:
Argued by Don Phinney, appellant in propria persona, and by Lawrence A. Greenfield for respondent. Cause submitted.

Court recessed at 10:40 A.M.

Court reconvened at 10:50 AM

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B146698 Nuevo Energy Company
 v.
 California State Lands Commission

Merits:
Argued by Michael Herman Zischke and Kate M. Nieswender for appellants; by Alan V. Hager, deputy attorney general, for respondent California State Lands Commission; and by William M. Dillon, deputy county counsel, for respondent Santa Barbara County. Argument previously waived by amicus curiae. Cause submitted.

Court recessed at 11:45 A.M.

Court reconvened at 1:50 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B140328 People v. Hefflin
B142070 People v. Couch
B142123 People v. Fisher
B142190 People v. Cleaves
B143078 People v. Joy
B144455 People v. Sierra
B144615 People v. Clark
B145414 People v. Tellez
B145463 People v. Showalter
B145692 People v. Mabini
B145808 People v. Drake
B145810 People v. Rosas
B145940 People v. McKenney
B146303 People v. Gomez
B146987 People v. Hayes
B147114 People v. Christopher N.
B147244 People v. Maye
B147261 People v. Barretto
B147281 People v. Glenn
B147530 People v. Felix
B147909 People v. Dyer

Argument waived, cause submitted.

B151539 In re George Christie, III on Habeas Corpus

Order to Show Cause:

Presented by Richard A. Loftus for petitioner and by Peter Kossoris,
deputy district attorney, for respondent. The court allows counsel 7 days
to serve and file simultaneous supplemental letter briefs. Cause submitted.

DIVISION SIX (Continued)

B138127 People
 v.
 Nova

Merits:

Argued by Michael B. Dashjian for appellant and by Paul M. Roadarmel, Jr., deputy attorney general, for respondent via video conference. Cause submitted.

B147439 People
 v.
 Greaves

Merits:

Argued by Timothy S. Camarena for appellant and by Timothy M. Weiner, deputy attorney general, for respondent via video conference. Cause submitted.

Coffee, J. left the bench.

B138759 People
 v.
 Rodriguez

Merits:

Argued by Adrian S. Andrade for appellant and by April S. Rylaarsdam, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 3:15 P.M.

DIVISION SEVEN

B145794 Aiko Ogata et al.
 v.
 J.G. Construction Co., Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)